

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20194-CR-MARTINEZ/BECERRA

UNITED STATES OF AMERICA

vs.

WILLIAN ALEXANDER POSADA SANDREA,

Defendant.

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FACTUAL PROFFER

The United States of America (the “United States”) and defendant Willian Alexander Posada Sandrea (the “defendant”) agree that, were this case to proceed to trial, the United States would prove beyond a reasonable doubt the following facts, among others, which occurred in the Southern District of Florida and elsewhere:

The Paycheck Protection Program (“PPP”)

The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in or around March 2020 designed to provide emergency financial assistance to Americans suffering economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program (“PPP”).

A PPP loan application had to be processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies. While it was the participating lender that issued the PPP loan, the loan was fully guaranteed by the U.S. Small Business Administration (“SBA”).

PPP loan proceeds were required to be used by the business on certain permissible expenses—payroll costs, interest on mortgages, rent, and utilities.

Overview of the Defendant's Conspiracy

Between approximately April 2020 and at least April 2021, the defendant conspired with Co-Conspirator 1 and others to prepare, submit, and cause the submission of false and fraudulent loan applications under the PPP and share in the proceeds. The false and fraudulent loan applications were filed on behalf of both (i) entities that the defendant controlled and (ii) entities controlled by the defendant's co-conspirators. The defendant and his co-conspirators submitted the applications online at Bank 1 and Bank 2. During the relevant time period, Bank 1 was insured by the Federal Deposit Insurance Corporation ("FDIC") and headquartered in New Jersey. Bank 2 was insured by the FDIC and headquartered in North Carolina. The defendant submitted the loans, and conspired with co-conspirators, in Miami-Dade County in the Southern District of Florida.

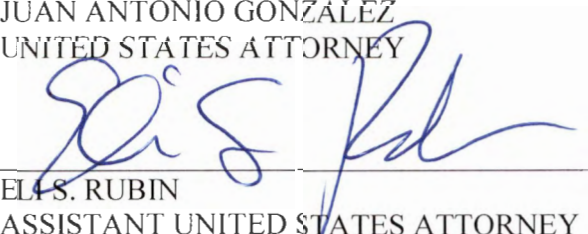

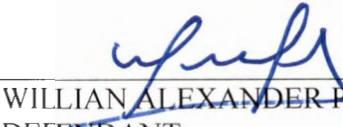
Pursuant to the conspiracy, the defendant submitted four applications on behalf of two Florida-based entities that he controlled, Autenticos Auto Sales Corp ("Autenticos") and Airplane Supply and Service LLC ("Airplane Supply"). In each loan application, the defendant knowingly overstated (i) the number of employees each entity had and (ii) the average monthly payroll of each entity. Three of the applications were granted, and the defendant received approximately \$557,164.00 in fraud proceeds.

The defendant also assisted co-conspirators prepare, and cause to be submitted, false and fraudulent PPP loan applications on behalf of entities they controlled. If those applications were granted, Posada received a portion of any resulting fraud proceeds. For example, on approximately February 12, 2021, the defendant emailed himself, using an email account bearing the username

“willianposada,” a false and fraudulent PPP loan application for Florida Entity 1, along with two false and fraudulent profit and loss statements for Florida Entity 1 for the years 2019 and 2020.

That same day, approximately February 12, 2021, someone submitted online at Bank 1, on behalf of Florida Entity 1, a false and fraudulent PPP loan application. False and fraudulent profit and loss statements for the years 2019 and 2020 were included in the application. Bank 1 subsequently approved the loan application. On approximately February 24, 2021, Bank 1 deposited the proceeds of the loan, \$488,320, into a Bank 1 account in the name of Florida Entity 1. Approximately two days later, the owner of Florida Entity 1 obtained a cashier’s check for \$40,000 made out to a Florida-based entity controlled by the defendant. The check represented at least a portion of the defendant’s share of the fraud proceeds.

The parties agree that these facts, which do not include all facts known to the United States and the defendant, are sufficient to prove to the sole count of the information.

Date: <u>7/20/22</u>	By: <u></u> JUAN ANTONIO GONZALEZ UNITED STATES ATTORNEY ELY S. RUBIN ASSISTANT UNITED STATES ATTORNEY
Date: <u>7-20-22</u>	By: <u></u> JOEL DEFABIO COUNSEL FOR DEFENDANT
Date: <u>7-20-22</u>	By: <u></u> WILLIAN ALEXANDER POSADA SANDREA DEFENDANT